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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,615	01/22/2004	William Wesley Jenkins	CCS-101/Clarity CSI Audio	5029
32205	7590	08/25/2006	EXAMINER WIN, AUNG T	
CARMEN B. PATTI & ASSOCIATES, LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			ART UNIT 2617	PAPER NUMBER

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,615

Applicant(s)

JENKINS ET AL.

Examiner

Aung T. Win

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 31-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claim 1-30, drawn to Having talk group, classified in class 455, subclass 518.
 - II. Claim 31-43, drawn to Message storage or retrieval, classified in class 455, subclass 412.1.

1.1. Inventions are distinct, each from the other because of the following reasons:

1.2. Inventions I and II are related as subcombinations disclosed as unusable together in a single combination. The subcombinations are distinct if they are shown that at least one subcombination is separately usable. In the instant case, invention II has separate utility such as providing message notification for further retrieving stored message. See MPEP § 806.05(d).

1.3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classifications, restriction for examination purposes as indicated is proper.

During a telephone conversation with Atty. Charles Warren (Reg. No. 27,407) on August 1, 2006 a provisional election was made without traverse to prosecute the invention of Group I, claim 1-30. Affirmation of this election must be made by applicant in replying to this Office action. Claim 31-43 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 10 & 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Dahod (US 20040224678A1).

2.1 Regarding Claim 1, Dahod discloses Push-to-talk (PTT) mobile terminal and managing PTT calls by store and forward PTT voice messaging method [See Figures] [Paragraph 0028 & 0029]. The stored and forward PTT call method reads on claimed delay delivery voice message method because the PTT voice message is stored first in the communication server [IMG gateway: 0027, 0029 & 0032].

The Dahod's method comprises:

Determining if user select PTT function key on Mobile terminal to request PTT call (reads on determining if a request to send a delayed delivery voice message has been made);

If said determining step determines that a request to send PTT call has been made, transmitting PTT call request signal (claimed indicator) to the communication server representing an instruction that PTT voice packets received from the mobile terminal are to be stored for later delivery to a destination Pal as voice message [Paragraph 0036 & 0044].

Dahod also discloses encoding voice input from a user by the mobile terminal into wave file;

Transmitting the voice packets to the communication server for later delivery to receiving mobile terminal as voice message.

2.2 Claim 10 is an apparatus claim rejected for the same reason as stated above in Claim 1 rejection because claimed means substantially read on the corresponding method of Claim 10.

2.3 Regarding Claim 4 & 13, Dahod's PTT call method transmit PTT voice message regardless of receiving terminal presence status (i.e., available or unavailable to take PPT call).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2617

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 2, 5-9, 11, 14-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod (US 20040224678A1) in view of Iyer et al. (US 20050143056A1).

3.1 Regarding Claims 2 & 11, Dahod discloses all the limitations cited in Claim 2 but does not explicitly disclose claimed sensing step prior to the user initiating the encoding step.

Iyer discloses that PTT mobile terminal in which the terminal notifies the user that the receiving terminal is not available and prompts the user of the mobile terminal to leave a voice message [Paragraph 0051].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the Dahod's PTT delayed delivery method to implement the claimed sensing step as taught Iyer. One of ordinary skill in the art at the time of invention of made to do the to implement resource efficient and improved PTT system.

3.2 Regarding Claims 5, 6, 14 & 15, modified method teaches to store the user input audio as voice mail message for the receiving terminal to retrieve in later time as claimed [Iyer: 0052].

3.3 Regarding Claims 7 & 16, modified method teaches claimed steps [Iyer: 0051].

Art Unit: 2617

3.4 Regarding Claims 8 & 17, it is obvious to skill in the art the modified method teaches claimed feature because PTT communication session is set up only for predetermined time.

3.5 Regarding Claims 9 & 18, modified method teaches second alert i.e., prompting user to leave a voice message, which is different from conventional PTT alert tone [Iyer: 0051].

4. Claims 3 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod (US 20040224678A1) in view of Iyer et al. (US 20050143056A1), further in view of Mathis (US 20030119540A1).

4.1 Regarding Claims 3 & 12, modified method does not explicitly disclose storing receiving terminal status.

Mathis discloses PTT mobile terminal storing presence information status for each receiving terminals [See Figures] [Paragraph 0013, 0015, 0017]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made further modify the method in determining the receiving user presence status information as claimed. One of ordinary skill in the art at the time of invention of made to do that to provide user with receiving presence terminal status for improved PTT call method [Mathis: 0003] i.e., saving the user from wasted time and effort and saving the

Art Unit: 2617

transmission bandwidth for PTT system as a result of refraining from sending call request.

5. Claims 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod (US 20040224678A1) in view of Mathis (US 20030119540A1), further in view of Eason et al. (US006999566B1).

5.1 Regarding Claim 19, Dahod discloses PTT wireless mobile terminal and method for storing transmitted PTT audio message as voice mail message [See Claim 1 rejection]. Dahod also teaches the sending PTT terminal receives the status of stored voice mail message notification from communication server indicating if the stored message is delivered, listened to, discarded, etc. [0044 & 0045]. Dahod fails to teach claimed display step.

Mathis discloses PTT mobile terminals configured to display visual icon representing presence status information of the contact list users [Figures 1-4] [0017].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the Dahod's PTT wireless mobile terminal as taught by Mathis's PTT display method as claimed. One of ordinary skill in the art at the time of invention of made to do this to provide improved message status notification display method in order to monitor plurality of stored voice mail messages associated with users in engaging group PTT calls.

Modified method fails to disclose PTT terminal of sender is configured to request for accessing stored voice message.

Eason discloses voice messaging system and method wherein the terminal of message sender is configured to request to view pending stored voice messages or request to delete pending stored voice messages intended for receivers [Figure 5] [Summary].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made further modified Dahod's terminal for making a request regarding stored voice mail messages (i.e., pending voice mail messages) as claimed. One of ordinary skill in the art at the time of invention of made to provide improved PTT method by enabling the sender to delete the pending message before it is heard by the recipient [Eason: Column 1, Line 23-49].

5.2 Claim 22 is an apparatus claim rejected for the same reason as stated above in Claim 19 rejection because claimed means substantially read on the corresponding methods of Claim 19.

5.3 Claims 20 and 23 are also rejected for the same reason as stated above in Claims 19 and 22 rejections. It is obvious to skill in the art that modified terminal teaches claimed method because modified terminal is configured for allowing the user to access voice message sent by the modified terminal as stated above in Claims 19 &

Art Unit: 2617

22 rejections. Retrieving voice messages is very known to skill in the art at the time of invention of made.

5.4 Claims 21 and 24 are also rejected for the same reason as stated above in Claims 19 and 22 rejections. It is obvious to skill in the art that modified terminal teaches claimed steps because modified terminal is configured for the user to access and delete voice messages sent by the user as stated above.

6. Claims 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod (US 20040224678A1) in view of Vander Veen (US 20040136510A1).

6.1 Regarding Claim 25, Dahod discloses PTT wireless mobile terminal and method for storing transmitted PTT audio message as voice mail message [See Claim 1 rejection]. Dahod also teaches the receiving PTT terminal receives the status of stored voice mail message notification from communication server indicating to accept, delete, listened to, etc. [0044 & 0045]. Dahod fails to teach claimed display step.

Vander Veen discloses mobile terminals configured to display visual icon representing pending voice message associated with other user be delivered to the user [Figures 8-22 & corresponding disclosures] and retrieving such pending voice messages. Vander Veen also teaches retrieving pending messages [See Figures].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the Dahod's PTT wireless mobile terminal as

Art Unit: 2617

taught by Vander Veen display method to provide pending message information and retrieving message steps as claimed. One of ordinary skill in the art at the time of invention of made to do this to provide improved message retrieving method and notification method and to simplify the user interface of the mobile device with ease-of-use.

6.2 Claim 28 is an apparatus claim rejected for the same reason as stated above in Claim 25 rejection because claimed means substantially read on the corresponding methods of Claim 28

6.3 Claims 26 and 29 are also rejected for the same reason as stated above in Claims 25 & 28 rejections. It is obvious to skill in the art that modified terminal teaches claimed method because modified terminal is configured for allowing the user to access their voice message by the modified terminal as stated above in Claims 25 & 28 rejections. Retrieving voice messages is also known to skill in the art at the time of invention of made.

6.4 Claims 27 and 30 are also rejected for the same reason as stated above in Claims 19 and 22 rejections. It is obvious to skill in the art that modified terminal teaches claimed updating steps because modified terminal is configured to display the pending voice messages information associated to the users.

Art Unit: 2617

Conclusion


The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung T. Win whose telephone number is (571) 272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aung T. Win
Group Art Unit 2617
August 17, 2006


DUC NGUYEN
PRIMARY EXAMINER